

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 205, 215, 219, 220, 240, 331, 332, 713, 1050, 1572, 4302, 4331, 4336, 4340, 4341, 7380 and 10502, of the Fish and Game Code and to implement, interpret or make specific sections 200-203.1, 205, 206, 207, 210, 220, 215, 219, 220, 240, 331, 332, 713, 1050, 1055, 1570-1572, 3950, 3951, 4302, 4330-4333, 4336, 4340, 4341, 4652-4655, 4657, 4750-4756, 4902, 7380, 7381, 7382, 10500 and 10502, of said Code, proposes to amend Sections 478.1, 551, 601 and 708, and add Sections 701 and 702, Title 14, California Code of Regulations, relating to the Sport Fishing and Hunting Tags, Applications, Seals, Permits, Reservations and Fees.

Informative Digest/Policy Statement Overview

Section 701

Existing regulations reference the fees for sport fishing cards and permits in various sections of Title 14. Pursuant to Section 713 of the Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. This requires the Department to identify each section that contains a fee annually and take regulatory action to update the fees to ensure the regulations accurately reflect the correct fee. The proposed changes would remove references of fees from existing sections, consolidate them into one sport fishing fees section, and update the fees as required by Section 713. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.

Existing regulations specify the legal size limit for taking salmon in ocean waters in sections 1.74 and 27.80 of Title 14. This requires the Department to update both sections of Title 14 when there is a change in the size limits for taking salmon in ocean waters. The proposed change would remove the specific size limit from Section 1.74 and add language that refers to Section 27.80 for the specific size limit. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

Section 702

Existing regulations reference the fees for applications, licenses, permits, tags, reservations and other entitlements in various sections of Title 14. Pursuant to Section 713 of the Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. This requires the Department to identify each section that contains a fee and take regulatory action to update the fees to ensure the regulations accurately reflect the correct fees. The proposed changes would remove references of fees from existing sections, consolidate them into one hunting fees section, and update the fees as required by Section 713. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

The changes proposed are for the 2006/2007 license year and shall become effective on July 1, 2006. Applications are in draft and will not be finalized and printed until April 2006.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Museum of Natural History, Farrand Hall, 2559 Puesta del Sold Road, Santa Barbara, on Friday, November 4, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 4, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than November 4, 2005, at the hearing in Santa Barbara, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Jerilyn Santillan, Department of Fish and Game, phone (916) 227-2245, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

Section 701

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action consolidates the fees relating to sport fishing within regulation, adjusts fees pursuant to Section 713, removes duplicate references to legal size limits for taking salmon in ocean waters, and is economically neutral to businesses.

Section 702

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action consolidates the fees relating to hunting tags and applications within the regulation, adjusts fees pursuant to Section 713, and is economically neutral to businesses.

Sections 701 and 702

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Other Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs Mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: September 6, 2005

Robert R. Treanor
Executive Director